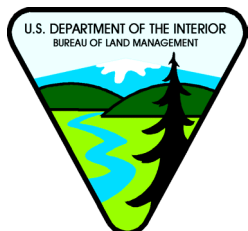




United States Department of the Interior  
Bureau of Land Management

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**Environmental Assessment UT-070-2004-28**

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## **Finding of No Significant Impact and Decision Record**

### **West Tavaputs Plateau Drilling Program Carbon and Duchesne Counties, Utah**

*Location: Carbon County and Duchesne County, Utah*

*Applicant/Address: Bill Barrett Corporation  
1099 18<sup>th</sup> Street, Suite 2300  
Denver, Colorado 80202*

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**U.S. Department of the Interior  
Bureau of Land Management  
Price Field Office  
Price, Utah  
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## **INTRODUCTION**

The Bill Barrett Corporation (BBC) proposes to conduct certain oil and gas-related exploration activities in four exploratory units - Jack Canyon Unit (7,185 acres), Nine Mile Unit (640 acres), Peters Point Unit (10,080 acres), and Prickly Pear Unit (25,468 acres) in portions of Townships 12 and 13 South, Ranges 14-17 East (T12S-T13S, R14E-R17E), Carbon and Duchesne Counties, Utah approximately 30 miles east northeast of Price, Utah (see EA figure 2.2). The underlying need for the proposal is for the operator to explore and develop its Federal oil and gas leases by drilling and, if successful, produce commercial quantities of oil and gas under the terms and stipulations of its Federal leases.

The Bureau of Land Management (BLM), in response to BBC's proposals (Applications for Permit to Drill and right-of-way amendment applications), prepared an environmental assessment (EA) EA No. UT-070-2004-28, entitled the West Tavaputs Plateau Drilling Program, Carbon and Duchesne Counties, Utah.

Surface ownership in the 43,373 acre West Tavaputs Plateau Project Area (WTPPA), comprising the four units, is 90 percent Federal (managed by the BLM), 9.1 percent state of Utah (managed by State of Utah School and Institutional Trust Lands Administration (SITLA)), and 0.9 percent private. Mineral ownership is 92.7 percent Federal and 7.3 percent SITLA. Much of the Federal mineral estate in the project area is leased for oil and gas exploration and a majority of the leases are held or controlled by BBC. Oil and gas exploration has been ongoing in much of the project area since the 1950's.

In addition to the exploration activity in the four units, which comprises the majority of the project, BBC's proposed action (Alternative A) includes development of roads, pipelines, and compressor stations on lands outside unit boundaries.

BBC anticipates the life of the project to be 35-50 years. BBC's complete proposal includes the following actions:

- 12 vertical Federal wells, three of which would be drilled from previously drilled, but presently reclaimed well pads;
- up to 10 vertical state wells on new well pads on SITLA administered state lands;
- utilization of four well pads (either new well pads included in this analysis or existing well pads) to accommodate up to four directional wells each, depending upon the viability of directional drilling;
- construction of 6.4 miles of new road on public land and 0.35 miles of new road on state land to access proposed Federal wells;
- construction of 1.1 miles of new road on public land and 1.2 miles of new road on state land to access proposed state wells;
- upgrading of 2.6 miles of road on public land to access proposed Federal wells;
- upgrading of 2.1 miles of road on public land and 2.0 miles of road on state land to access proposed state wells;
- construction/replacement of 23.7 miles of pipeline on Federal land and 7.3 miles of pipeline on state land (approximately 10 miles of the pipeline construction/replacement is in Nine Mile and Dry Canyons);
- additional compression of 1,500 hp at each of the three compressor sites currently located in Dry Canyon, Sage Brush Flat, and Water Canyon.

### **AGENCY-SELECTED ALTERNATIVE**

The decision is to authorize Alternative C as the selected alternative, not the proposed action. The selected alternative would add approximately 78 acres of surface disturbance due to burial of the pipelines in Nine Mile and Dry Canyons and approximately 8 acres due to the increased length of access road to the well location PP 8-33, which would replace the 27-3 well location in the proposed action. The Water Canyon compressor site will be removed in the selected alternative, since all gas compression will be consolidated at the Dry Canyon site. Surface disturbance would be approximately 255 acres under the selected alternative as compared to 171 acres for the proposed action. Although this alternative has greater surface disturbance than the

proposed action, this alternative was developed to respond to issues identified by BLM, other Federal agencies, and the public.

The selected alternative will minimize impacts to cultural resources from the construction of pipelines in both Nine Mile and Dry Canyons. In addition, it will reduce the visual effects of the existing compressor site at Water Canyon through decommissioning of the site and consolidation of compression facilities at Dry Canyon. Visual effects of current surface-laid pipelines in Nine Mile and Dry Canyons will also be reduced through the removal of these pipelines. In addition, visual effects in Dry Canyon will be minimal under BLM's selected alternative since the proposed 27-3 well will not be authorized. Not permitting this well ensures that the project is in conformance with the existing land use plan and eliminates potential impacts to hydrologic resources. A final objective for this alternative is routing the pipeline to minimize potential effects on riparian vegetation.

The selected alternative minimizes potential impacts of the project, particularly to cultural and visual resources. The following discussion summarizes the objectives and relevant aspects of this alternative:

### **Nine Mile Canyon and Dry Canyon Pipelines**

An alternative alignment was developed and included in the selected alternative for the proposed pipeline between the existing Water Canyon compressor site and the point where the pipeline would depart the valley floor near the mouth of Cottonwood Canyon, and for the length of pipeline to be upgraded in Dry Canyon. The primary criterion for selecting this pipeline route in Nine Mile Canyon is avoidance of cultural sites. The route is in a 300-foot corridor that has been surveyed for cultural resources, and avoids all known sites. The selected pipeline route in Nine Mile Canyon follows a new route and two pipelines will be buried in the alignment to accommodate removal of the Water Canyon compressor. A 60-foot-wide area is authorized for construction, although the width of disturbance will typically be less than 40 feet. Following successful reclamation, the permanent right-of-way width will be 50 feet. The selected route is partially based on a geomorphic study (Lamm 2003). The route poses the least likelihood of disturbing cultural resources based on the age and depth of the alluvium deposits along the

canyon floor, since the pipeline would be located in geologic material of sufficient depth and age to have been deposited after occupancy by prehistoric habitation. In addition, all existing data regarding cultural resources has been plotted to assist in avoiding cultural resources and areas where site densities are highest. An archaeologist will be onsite during construction in the event an unknown buried cultural site is encountered (see EA figure 2.2).

Up to 13 pipeline crossings of Nine Mile Canyon are analyzed under the selected alternative. Prior to construction, the route would be refined within the 300-foot surveyed corridor to optimize avoidance of riparian vegetation and opportunities to make the route less visible. The pipeline route and crossings would be designed and constructed incorporating industry standards and all associated disturbance would be reclaimed according to a comprehensive reclamation plan (see EA Appendix C). Reclamation is anticipated to be successful in three to five years. The Plan of Development for the pipeline, as required by the right-of-way application, will specify the final route and detail construction techniques for each crossing. Final authorization for the pipeline crossings are pending the issuance of required permits from the Army Corps of Engineers.

With the selected alternative, both the Nine Mile and Dry Canyon pipelines will be buried to 1) reduce visual effects of the existing surface pipeline along the Nine Mile Canyon road (a Backcountry Byway); 2) reduce visual effects to the Nine Mile Canyon Special Recreation and Cultural Management Area (SRCMA, (BLM 1995a)); 3) reduce visual effects to the proposed National Register nomination area in Nine Mile Canyon; and 4) minimize chances for vandalism that could create safety concerns.

A 16-inch surface-laid pipeline in close proximity to an existing roadway and high-use recreation corridor, as proposed by BBC, would pose a degree of danger to the general public and, through potential third-party damage, threaten the integrity of the line. High-pressure gas lines are normally buried to reduce maintenance problems, reduce chances of third party harm and reduce opportunities for vandalism.

Two additional changes to the proposed pipeline alignment are made under the selected alternative. At the point where the existing Nine Mile Canyon pipeline departs from the valley floor near Cottonwood Canyon, the current pipeline alignment follows the edge of a ridge and is visually apparent. Under the selected alternative, the first 1,200 feet of the alignment above that valley floor will be realigned to place the pipeline in a less prominent position near the edge of the drainage. The second change involves realigning a short length of pipeline located approximately half the distance between the point where the Nine Mile Canyon pipeline departs the valley floor near Cottonwood Canyon and the location of the Sage Brush Flat Compressor proposed under Alternative A. Approximately 150 feet of pipeline will be relocated about 50 feet from the existing route to minimize the potential for disruption of a cultural site during the pipeline replacement process. (See EA figure 2.7.)

### **Compressor Station Consolidation**

To address concerns about noise and visual effects related to the proposed expansion of the Water Canyon compressor site, the selected alternative was developed to not only avoid facility expansion, but to eliminate the facility altogether. The removal of the existing Water Canyon compressor site will require the installation and tie in of two pipelines, a 12-inch and 16-inch pipeline, buried from the current Water Canyon site to the existing Dry Canyon site, and upgrading of the Dry Canyon site to accommodate additional compressors. However, upgrading of the Dry Canyon site will not create additional surface disturbance, as the additional compressors will be added within the existing graded and fenced facility, and will be muffled. The existing Water Canyon facility location will be reclaimed during the first growing season following removal of the equipment.

The consolidation of the Water Canyon and Dry Canyon compressor sites will prevent the need for the Sage Brush Flat compressor site to be re-established. The Sage Brush Flat site (1 acre) will be reclaimed during the first growing season.

In summary, under the selected alternative, all compression (four compressors) will be located at the Dry Canyon site and two existing compressor locations would be reclaimed.

### **Alternative Location of Well 27-3**

Under the selected alternative, the 27-3 well proposed for the bottom of Dry Canyon was moved to another well location on the top of the plateau (PP 8-33, in the SENE, Section 33, T12S, R15E). The new location will not affect cultural resources. The PP 8-33 well location will require an additional 7.9 acres of surface disturbance for the access road and adjacent pipeline than would be needed for the 27-3 well location.

### **Special Management Designations**

The project area is within about 4,300 acres of the 27,000-acre Nine Mile Canyon Special Recreation and Cultural Management Area (SRCMA). There is a wide range of historical and archaeological information available about the Nine Mile Canyon area within the SRCMA. Over 1,000 sites have been recorded in Nine Mile Canyon during the last 100 years, but specific locations and descriptions are available for about 760 of those sites. Seventy-five to 80 percent of the recorded sites are rock art that range from representations of individual figures to multiple components and panels composed of numerous figures. They include historic inscriptions, Numic, Fremont, Barrier Canyon, and Archaic designs. Prehistoric remains also include cliff dwellings, masonry granaries, slab storage cists, semi-subterranean pit houses, retaining walls, and modified natural features such as rock shelters and ledge overhangs.

The principal management objective for the SRCMA is to protect and preserve prehistoric and historic resources. The second management objective is to protect, preserve, and enhance the natural character, solitude, inspirational values, and scenic quality of the area while optimizing recreation and interpretive opportunities, including the provision of a safe recreating environment. The *Recreation and Cultural Management Plan for the Nine Mile Canyon Special Recreation and Cultural Management Area* only acknowledges other resource issues or valid existing lease rights, stating that proposals must be consistent with the decision outlined in the existing land use plan (Price River Management Framework Plan (MFP) and the Diamond Mountain Resource Management Plan (RMP). The agency-selected alternative is consistent with the above-referenced management objectives for the SRCMA.

The project area includes a small portion of the 78 mile Nine Mile Canyon National Backcountry Byway (County Road 53) and its view shed, the proposed National Register nomination area in Nine Mile Canyon, which is eligible for listing on the National Register of Historic Places, and portions of the Nine Mile Canyon Area of Critical Environmental Concern (ACEC). The objective of the ACEC is to protect and enhance the cultural and special status plant species values of the ACEC, while enhancing its scenic, recreation and wildlife resource values.

The eastern portion of the project area has been identified by United States Fish and Wildlife Service (USFWS) as Designated Critical Habitat for the Mexican Spotted Owl (MSO). Designated Critical Habitat is deemed vitally important for the protection of occupied habitat, as well as to provide protection for the species to expand into suitable, but unoccupied habitat areas. Surveys conducted following USFWS protocol in 2000, 2001, 2002, and 2003 did not indicate the presence of the MSO within the proposed project area.

#### **LAND USE PLAN CONFORMANCE AND CONSISTENCY**

Alternative C, the selected alternative, is in conformance with the Price River Management Framework Plan (1982) and the Diamond Mountain RMP (1994); the objectives of 43 CFR 3160, Onshore Oil and Gas Operations; BLM Mineral Resources Policy (May 29, 1984); BLM *Range Valley Mountain Habitat Management Plan* (September 30, 1991); the *Range Creek Wild Horse Management Area (HMA) Plan* (EA UT-066-94-10), dated May 9, 1994; and Executive Order 13212 (May 18, 2001). The proposed action is also consistent with the *Duchesne County General Plan* (1997) and the *Carbon County Master Plan* of 2004.

The Price River Management Framework Plan High Country Watershed Category 2, Stipulation Number 2 states the following: *Occupancy or other surface disturbance will not be allowed within 330 feet of the centerline or within the 100-year recurrence interval floodplain, whichever is greater, of perennial streams. This distance may be modified when specifically approved in writing by the Authorized Officer of the Bureau of Land Management.* This stipulation is hereby modified to authorize the pipelines located in Nine Mile and Dry Canyons allowing surface disturbance within the 330-foot centerline or within the 100-year recurrence interval flood plain. This stipulation is modified because only temporary effects would result with the implementation



of specific design features, applicant-committed mitigation measures, and the reclamation plan, which will be detailed in the Plan of Development for the pipelines.

The EA in Section 4.2.3.3 discloses that surface impacts through the selected alternative would include erosion, potential damage to pipelines from flood flows, and maintenance-related disturbance within the flood plain and riparian areas along Nine Mile Creek. However, the document also disclosed that surface disturbance would be temporary and mitigated through design features incorporated into the selected alternative. These potential impacts would also be mitigated through mitigation measures detailed in the Plan of Development, stipulations attached to the pending Stream Channel Alteration Permits (GP-40's), and the Army Corp of Engineers 404 permit. A detailed discussion of the modification procedures can be found in the administrative record for the project.

The selected alternative meets VRM Class II objectives in the short term, which is in conformance with management prescriptions for the SRCMA.

There are no comprehensive state of Utah plans for the vicinity of the proposed action. The state of Utah School and Institutional Trust Lands Administration (SITLA) has leased much of the nearby state lands for oil and gas production. Because the objectives of SITLA are to produce funding for the state school system, and production on Federal leases could further interest in drilling on state leases in the area, the selected alternative is consistent with the objectives of the state.

#### **FINDING OF NO SIGNIFICANT IMPACT DETERMINATION (FONSI)**

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major Federal action and will not significantly affect the quality of the human environment, individually or cumulatively, with other actions in the general area. As summarized herein, no environmental effect of the selected alternative meets the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an environmental impact statement is not needed.

**Context:** The project area for this action includes approximately 43,500 acres, of which 90 percent is administered by BLM. The total surface disturbance resulting from this action would occur to approximately 255 acres, or less than one half of one percent of the project area.

Approximately 78 acres of the surface disturbance would occur within Nine Mile Canyon proper and its tributary canyons, including areas within the SRCMA. Current development within Nine Mile Canyon is characterized by private lands with irrigated agricultural field, farm and ranch houses, barns, fences, and other facilities, in addition to existing oil and gas facilities such as compressor stations and pipelines.

While Nine Mile Canyon is noteworthy regionally, nationally, even internationally for its prehistoric rock art and other cultural and historic resources, the bulk of the project would take place on the West Tavaputs Plateau within four oil and gas units. This area is used for oil and gas activities, livestock grazing, wildlife habitat, wild horse habitat, hunting and other recreational opportunities. There are 61 oil and gas wells within and immediately adjacent to the project area, of which 27 are capable of producing natural gas. In addition, there are approximately 57 miles of roads and trail in immediate vicinity of the project area that have been constructed and are maintained for oil and gas development and 26 miles of surface-laid pipelines. The varied multiple uses and development of the Nine Mile Canyon and West Tavaputs Plateau area provides a context in which this project would not be significant.

**Intensity:** The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memorandum, Acts, Regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

- 1. Impacts that may be both beneficial and adverse.** As described in the EA, the selected alternative will have certain beneficial effects, as well as minimal adverse impacts on certain resources. In addition, a number of mitigation measures will further reduce impacts to cultural resources, visual resources, riparian vegetation, wildlife, areas with wilderness characteristics. Impacts to other resources were incorporated in the design of the selected alternative.

As discussed above, the selected alternative will reduce the visual and noise effects of the existing compressor site at Water Canyon through decommissioning of the site and consolidation of compression facilities at Dry Canyon. Visual effects, as well as safety concerns, of current surface-laid pipelines in Nine Mile will also be reduced through the removal of these pipelines.

None of the environmental effects thoroughly discussed in the EA and associated appendices are considered significant, nor do the effects exceed those described and anticipated in the Diamond Mountain RMP. This alternative will enhance opportunities for recovery of Federal mineral resources using the least environmentally impacting means.

2. **The degree to which the selected alternative will affect public health or safety.**  
Based on the burial of the pipeline in Nine Mile Canyon, the suppression of traffic-related dust, the remoteness of the oil and gas units to be explored, and applicant-committed safety measures and mitigation measures incorporated in the selected alternative, it is reasonable to conclude the implementation of the selected alternative will not significantly affect public health or safety.
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** The Nine Mile Canyon Special Recreation and Cultural Management Area encompasses **approximately** 127,000 acres, surrounding Dry Canyon up to Stone Cabin Canyon, and lands between and including Dry and Cottonwood Canyons within approximately one mile of their confluences with Nine Mile Creek. Approximately 4,300 acres of the project area are with the SRCMA. Project activities occurring within the SCRMA include construction of the pipelines in Nine Mile and Dry Canyons, which will result in approximately 78 acres of disturbance, and elimination of the compressor site at Water Canyon. In addition, personnel and equipment will be transported through

Nine Mile Canyon, Harmon, Dry, and Cottonwood Canyons that are partially located within the SRCMA.

There is a wide range of historical and archaeological information available about the Nine Mile Canyon area. The avoidance of all cultural resources, including prehistoric, lithic scatters, rock shelters and camps, and historic fences and corrals will ensure the integrity of the SRCMA and meet the plan's primary objective to protect cultural resources (also see discussion of cultural resources under Criterion 8). Although modest increases in traffic are expected and vehicles will access the main project area through the SRCMA, potential impacts from dust will be mitigated through dust-suppression measures incorporated in the agency selected alternative.

The second management objective is to protect, preserve, and enhance the natural character, solitude, inspirational values, and scenic quality of the area, while optimizing recreation and interpretive opportunities, including the provision of a safe recreating environment. By removal of surface pipelines, the construction of buried lines, along with elimination of the Water Canyon compressor facility, the natural character of the area will be enhanced.

Approximately 0.39 miles of the selected Nine Mile Canyon pipeline route is located in Duchesne County within the Nine Mile Canyon ACEC. The objective of the ACEC is to protect and enhance the cultural and special status plant species values of the ACEC while enhancing its scenic, recreation, and wildlife resource. No special status plant species have been identified along the proposed pipeline route. In the long term, eliminating surface pipelines will enhance the scenic values of the ACEC. Thus, the proposal would not be in conflict with the objectives of the ACEC.

The project area is accessed via the Nine Mile Canyon National Backcountry Byway. As noted above, the integrity of the backcountry byway will be enhanced by removal and burial of surface pipelines and the removal of the Water Canyon compressor facility. Increased traffic and dust-related impacts were identified; however, during

project operations, dust levels will be reduced below levels that currently exist through applicant-committed dust-suppression measures. Dust levels from other existing activities, including tourist traffic, will also be reduced for the duration of project activities.

The project area contains both designated critical habitat and canyon habitat for the Mexican Spotted Owl (MSO). A biological assessment analyzed effects of the project on the MSO. A finding of “may affect not likely to adversely affect” was determined for the MSO (see Appendix G of EA). Surveys conducted following USFWS protocol in 2000, 2001, 2002, and 2003 did not indicate the presence of the MSO within the proposed project area.

Seven critical elements of the human environment: air quality, cultural resources, floodplains, threatened and endangered species, water quality, wetlands/riparian zones, and wild and scenic rivers were analyzed for all alternatives in Chapter 4 of the EA. In addition, impacts to eight other resources were analyzed: vegetation, fish and wildlife, soils, recreation, visual resources, geology/mineral resources, wild horses and burros, and non-WSA lands with wilderness characteristics. As more fully discussed in the EA:

- Air quality will be slightly diminished through increases in emissions at the Dry Canyon compressor site, and increases in emissions from separator heaters at the well sites.
- All known cultural and historic sites will be avoided. Cultural resource monitoring will be required during all phases of pipeline construction. A monitoring and discovery plan has been prepared and will be implemented in the event of inadvertent discovery of cultural resources, including human remains.
- No long-term impacts to flood plains are expected with successful implementation of best management practices, including burial of portion of the pipeline.
- No impacts to threatened or endangered plant or animal species are expected through implementation of the agency selected alternative.

- Approximately 12 acres of riparian habitat will be disturbed through implementation of the agency selected alternative. These impacts are expected to be fully mitigated in approximately three to five years upon successful implementation of a comprehensive reclamation plan.
  - No designated wild or scenic rivers are present in the project area, although Nine Mile Creek has been determined eligible for designation, with a tentative classification of recreational. Implementation of the agency selected alternative would not change the eligibility of Nine Mile Creek for designation into the National Wild and Scenic River System as a recreational river.
  - Areas within the four oil and gas units, where most of the project will be implemented, do not include lands with unique characteristics and is appropriate for a variety of multiple uses.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** It is understood by the BLM that the term “controversial” in 40 CFR 1508.27 refers to situations where a substantial dispute exists as to the size, nature, or effect of a project, rather than opposition by some parties to the project. In this case, the proposed project and, more particularly, the selected alternative is not unique. Standard and accepted industry practices will be followed for pipeline construction and other project operations. The potential environmental effects of pipeline construction, road and well pad construction, and drilling gas wells are well understood. There is no substantial dispute about the technology being utilized or standard industrial practices being followed, or the size, nature, or effects of the selected alternative.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** No highly uncertain or unknown risks to the human environment were identified during analysis of the project and alternatives, including the selected alternative. Although no definitive studies have been found indicating effects of fugitive dust on rock art, the use of water to suppress dust generated by traffic would mitigate possible effects. In addition, as

mentioned above, standard and accepted industry practices will be followed in the project. The potential effects of the project were fully considered and analyzed in the EA and, based on that analysis, there are no possible effects on the human environment considered to be highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The selected alternative neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. Additional oil and gas drilling within or near the project area has not been proposed. Future proposals will be considered only through appropriate NEPA analysis, including adequate consideration of cumulative effects.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts, which include connected actions regardless of ownership.** In consideration of past oil and gas activities, livestock grazing, habitat enhancement projects; current seismic exploration, logging activities, and recreational opportunities in the area; reasonably foreseeable increases in recreational uses and development; and other actions identified in sections 4.3.2 and 4.3.3 of the EA, no individual or cumulatively significant impacts were identified for the selected alternative. The selected alternative it is not related to other actions with individually insignificant but cumulatively significant impacts, which include connected actions and non-Federal actions.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** An intensive archeological inventory to identify districts, sites, or other properties eligible for listing to or included on the National Register of Historic Places was completed for the selected alternative. The

investigations satisfied the Secretary of the Interior's Standards and Guidelines for the identification of historic properties.

Pursuant to Section 106 of the National Historic Preservation Act, it is concluded that the project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. Cultural inventories have been completed for the agency selected alternative. Consultation with the Utah State Historic Preservation Office (SHPO) has been completed in accordance with Section 106 and the SHPO concurred with BLM's "No Adverse Effect" determination. A copy of the SHPO concurrence letter dated July 21, 2004 can be found in Appendix F of the EA. Concurrence was given on condition that an archaeological monitoring and discovery plan is developed for all phases of construction and that all recommendations based on the Cultural Resource Summary of Bill Barrett Corporation's Tavaputs Plateau Exploratory Drilling Program, Carbon County, Utah are implemented, and are included in the terms and conditions of the EA. In addition, onsite monitoring of pipeline construction activities by qualified permitted archeologists will further minimize the potential for any effects to cultural resources encountered during construction.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.** BLM prepared a Biological Assessment that was transmitted to the United States Fish and Wildlife Service (USFWS) on June 18, 2004. The USFWS provided a concurrence memorandum on July 16, 2004. The USFWS concurred with BLM's determination of "may affect but not likely to adversely affect" for the following plant species: Barneby Ridge-cress (*Lepidium barnebyanum*), Shrubby reed-mustard (*Schoenocrambe suffrutescens*), Uinta Basin hookless cactus (*Sclerocactus glaucus*),



and Ute Ladies'-tresses (*Spiranthes diluvialis*). The USFWS also concurred with BLM's determination that the agency selected alternative "may affect but not likely to adversely affect" the Bald Eagle.

A finding by the BLM, with concurrence from USFWS, of "may affect likely to adversely affect" has been determined for the following aquatic species: Bonytail Chub (*Gila elegans*), Colorado Pike Minnow (*Ptychocheilus lucius*, Humpback Chub (*Gila cypha*) and Razorback sucker (*Xyrauchen texanus*) due to the projected water depletion associated with drilling wells and dust control on roads, estimated at 38 to 46 acre-feet. Under the *Recovery and Implementation Program for Endangered Fish Species in the Upper Colorado River Basin* (RIP), any water depletions from tributary waters within the Colorado River Drainage are considered to jeopardize the continued existence of these fish. However, the USFWS has determined that sufficient recovery of these species has occurred and that small depletions (100 acre-feet annual consumption or less) does not pose a substantial threat to these species, (USDI, Fish And Wildlife Service, Region 6 Memorandum, July 8, 1997).

The USFWS concurred with BLM's determination that critical habitat has been designated for the Mexican Spotted Owl in the eastern portion of the project area and concurred with BLM's finding that the proposed project "may affect but is not likely to adversely affect" the Mexican Spotted Owl. The USFWS also concurred with BLM's determination that the project will not result in adverse modification or destruction of designated critical habitat for the Mexican Spotted Owl.

Although suitable habitat exists in the project area for the Book Cliffs Blazing Star, the surveys conducted for this sensitive plant species did not indicate its presence within the project area. Therefore, the selected alternative would not affect any BLM sensitive plant species that occur in Carbon or Duchesne Counties.

- 10. Whether the action threatens a violation of a Federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements.** The project does not violate any known Federal, state, local or tribal law or requirement imposed for the protection of the environment. Consultation was initiated with 10 Federally recognized Native American tribes and their affiliate tribal historic preservation and chapter offices.

A total of eight tribal organizations responded to the request to consult. The Hopi Cultural Preservation Office, Navajo Nation Historic Preservation Office, Uintah and Ouray Cultural Rights and Protection Program, requested field visits to the project area. The Southern Ute NAGPRA (Native American Graves Protection and Repatriation Act) Coordinator and the Kaibab Paiute Tribe Cultural Resources Director deferred project consultation to the Uintah and Ouray Ute Indian Tribe. The Paiute Indian Tribe Cultural Resources Director and the Pueblo of Nambe NAGPRA Representative requested to be contacted in the event of unanticipated discoveries of human remains during construction. The Navajo Nation Mexican Water Chapter Coordinator commented that the Chapter does not need to consult further regarding the proposed project.

Consultation with the Hopi, Navajo, and Ute Tribes included field visits to the proposed project area. The Hopi, Navajo, and Ute Tribes did not identify any specific places of religious or traditional importance during consultation. However, in a final consultation letter dated July 13, 2004, the Hopi Tribe expressed concerns about noise and dust impacts to cultural and natural resources associated with the proposed development of roads, pipelines, and compressors located outside the four exploratory unit boundaries. Potential impacts to petroglyphs, pictographs, and rock shelters containing cultural resources, animals foraging in the canyon, and riparian zones were specifically mentioned.

The BLM has acknowledged and addressed the Hopi Tribe's concerns in the selected alternative. Dust abatement measures are described in the selected alternative and will be implemented. The compressor at the junction of Nine Mile Canyon and Water Canyon will be removed, thus eliminating the concern for noise impacts to cultural resources and animals in the canyon. Further, cultural resource monitoring will be required during all phases of construction and a discovery plan has been prepared and will be implemented in the event of discoveries of cultural resources, including human remains, during the construction process.

On July 21, 2004, the BLM received concurrence from the State Historic Preservation Office with the BLM's determinations of eligibility and determination of No Adverse Effect on historic properties eligible to the National Register of Historic Places. The concurrence was given on condition that an archaeological monitoring and discovery plan is developed for all phases of construction and that all recommendations based on the Cultural Resource Summary of Bill Barrett Corporation's Tavaputs Plateau Exploratory Drilling Program, Carbon County, Utah are implemented, which are included in the terms and conditions of the EA.

A detailed summary of the Native American Consultation process can be found in the administrative record located at the Price Field Office.

## **DECISION**

Based on my review of the environmental assessment and supporting documents, I have decided to implement Alternative C, the agency selected alternative, as described in the EA. BBC's authorization to proceed with drilling is contingent upon the approval by the BLM of individual Applications for Permit to Drill (APDs) for each well, subject to any time constraints that must be adhered to in the APDs. Construction of the large pipelines in Nine Mile and Dry Canyons may begin when all required rights-of-way amendments and plans of development (PODs) for pipelines are acquired and approved by BLM.

## APPLICATIONS AND PERMITS TO DRILL

The Price Field Office has received APDs from BBC for the following gas wells described in the agency selected alternative:

<b>Well Name</b>	<b>Township, Range and Section</b>
Peters Point Unit Federal #14-34-12-16	T12S R16E Sec. 34
Peters Point Unit Federal #11-6-13-17	T13S R17E Sec. 6
Peters Point Unit Federal #16-35	T12S R16E Sec. 35
Prickly Pear Unit Federal #16-34	T12S R15E Sec. 34
Prickly Pear Unit Federal #12-24	T12S R14E Sec.24
Prickly Pear Unit Federal #10-4	T12S R14E Sec.10
Prickly Pear Unit Federal #8-33-12-15	T12S R15E Sec. 33
Prickly Pear Unit Federal #7-25	T12S R15 E Sec. 25
Prickly Pear Unit Federal #5-13	T12S R14E Sec. 13
Prickly Pear Unit Federal #13-4	T12S R14 E Sec. 13
Prickly Pear Unit Federal #21-2	T12S R15E Sec. 21
Jack Canyon Unit Federal #15-19-12-16	T12S R16E Sec. 19

In order to approve these APDs, the BLM must include Conditions of Approval (COAs) in the APDs for the surface use and down-whole drilling of each well. These COAs incorporate measures committed upon by the applicant in the selected alternative (see EA Appendix B), the cultural resource monitoring and discovery plan, recommendations based on the Cultural Resource Summery of Bill Barrett Corporation's Tavaputs Plateau Exploratory Drilling Program, Carbon County, Utah, and measures required by law and regulation. The Surface Use COAs for each APD are to be prepared in the Price Field Office. Drilling COAs for each APD are to be prepared at the BLM Moab Field Office, where the completed APD is to be approved and sent to BBC. The Surface Use COAs for the Prickly Pear 12-24 APD are attached as a sample (see Attachment 2). Although the attached COAs specifically pertain to the Prickly Pear 12-24 APD, they are a sample of the COAs that will be included in each approved APD. Also included in Attachment 2 are sample COAs for drilling.

## **RIGHTS-OF-WAY**

The Bureau of Land Management (BLM), Price Field Office, will issue right-of-way amendments for the construction, operation and maintenance of pipelines and roads as described in the environmental assessment for the West Tavaputs Plateau Drilling Program EA (UT-070-2004-28). In accordance with 43 CFR 2800 and 2880, the BLM will issue right-of-way amendments to Bill Barrett Corporation for the proposed pipelines and roads outside of the unit and lease boundaries on Federal lands. Temporary use permits for added construction space will be issued where necessary. The decision will specifically affect Federal lands as detailed in Attachment 3.

## **PLAN OF DEVELOPMENT (POD)**

Prior to any construction or other surface disturbance associated with the right-of-way amendments for right-of-way UTU-34418, UTU-40096, UTU-59970, and UTU-69317, the authorized officer or delegated agency representative will issue written Notices to Proceed (NTPs). Any NTP shall authorize construction or use only as therein expressly stated and only for the particular location, segment, area, or use described. In accordance with 43 CFR 2800, BBC is required to provide the BLM with a POD detailing how the pipeline and associated facilities will be constructed in compliance with the right-of-way terms, conditions, and stipulations. The POD will be approved by the BLM prior to the issuance of the NTPs for Federal lands. The NTPs are subject to the condition that BBC complies with all required environmental protection measures in the POD to the satisfaction of the BLM. These measures include the standard stipulations for the ROW amendments, applicant-committed protection measures (see EA Appendix B), the cultural resource monitoring and discovery plan, and recommendations based on the Cultural Resource Summary of Bill Barrett Corporation's Tavaputs Plateau Exploratory Drilling Program, Carbon County, Utah. The POD for the pipeline alignment in Nine Mile Canyon would also include the reclamation plan (see EA Appendix C). The construction NTP will only apply to Federal lands.

## **AGENCY STANDARDS**

The right-of-way amendments, temporary use permits, and APDs must comply with agency (BLM, Utah Public Service Commission, United States Fish and Wildlife Service, United States

Army Corps of Engineers) stipulations described and referenced in the attachments to this document, including conservation measures outlined in USFWS letter dated July 16, 2004.

As part of these standards and stipulations, BBC will be required to post a performance bond to ensure adequate adherence to all terms and conditions attached to the right-of-way amendments and temporary use permits. Nationwide bonds have been posted for all oil and gas leases.

## **STATE AND FEDERAL LEGAL REQUIREMENTS**

This decision also requires BBC to meet the requirements of other major authorizing agencies for this project concerning any necessary Federal and state permits, licenses, and/or approval and consultation requirements as identified in Table 1.1, Chapter 1 of the EA.

**Authorities:** The authorizations are pursuant to the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and implementing regulations found in 43 CFR Part 3160 and 43 CFR parts 2800 and 2880.

**Compliance and Monitoring:** The applicant has committed to provide a third party compliance monitor for pipeline construction in Nine Mile and Dry Canyons and certain well locations. This monitor will report directly to BLM and ensure that all terms, conditions and stipulations are complied with. The compliance monitor shall follow the cultural resource monitoring and discovery plan. A copy of this plan is available at the Price Field Office for review. BLM will also have compliance inspectors on the ground to ensure compliance with all terms, conditions, and stipulations of the authorization. To further reduce any possible effects to known archaeological structures and rock art sites and to ensure implementation of all committed and required mitigation on BLM-administered lands, a permitted professional archeologist will monitor pipeline construction activities in Nine Mile and Dry Canyons. An archeological monitor will also monitor the construction of three well sites pads due to the proximity to cultural sites. To further assist in the mitigation of visual impacts resulting from pipeline construction in Nine Mile and Dry Canyons, a licensed landscape architect will design a plan to

reduce any visual effects and monitor pipeline construction during the clearing, excavation, and recontouring phases of the project. A detailed compliance and monitoring plan is made part of the conditions of approval and shall be available for review at the Price Field Office.

**EA Availability:** The EA is available at the Price Field Office and incorporated by reference in this Finding of No Significant Impact (FONSI) determination and decision record.

## **ALTERNATIVES CONSIDERED**

Three alternatives were considered in the preparation of the environmental assessment including Alternative A, the proposed action, Alternative B, the no action alternative, and Alternative C, the selected alternative.

Alternative A is essentially as described in the Introduction Section of this document. The key objective of this alternative was to site wells and pipelines that allowed the proponent to meet the purpose and need for the project with efforts to minimize environmental impacts. However, construction of the proposed surface pipeline located in Nine Mile and Dry Canyons would not be consistent with management objectives outlined in the land use plan for this area due to non-compliance with VRM Class II objectives. Drilling of the proposed 27-3 well within 330 feet of a 100-year floodplain boundary would also not be in compliance with management objectives outlined in the MFP. Modification of the MFP stipulation regarding the 330 feet buffer would be required before drilling of this well could occur. An archeological inventory of 1.65 miles of the proposed Nine Mile Canyon pipeline described in Alternative A identified twenty-one cultural sites. Archeologists determined that at least four of these sites could not be avoided if the pipeline were constructed within this route. Through this partial survey, archeologists determined that additional studies (completion of the entire survey) would produce similar results. Thus, it appears that if construction of the pipeline in Nine Mile Canyon as proposed in this Alternative A were to occur, cultural resources might be significantly impacted.

Although implementation of Alternative A would meet the purpose and need of the project, it is not selected due to nonconformance with the land use plan, and potential impacts to cultural and visual resources.

Alternative B, the No Action Alternative, is described in Section 2.3 of the EA. Under this alternative, the drilling project would not be approved on Federal lands. Impacts as described under Alternatives A and C would not occur. However, under this alternative there would be continued noise and visual effects from the compressor site at Water Canyon and continued visual effects from the surface pipelines that are present in Nine Mile and Dry Canyons. The No Action Alternative would deprive present and future leaseholders the opportunity to obtain oil and gas resources and transport these resources to market as proposed or considered in Alternative C. Furthermore, this alternative would not meet the proponent's purpose and need.

## **ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER ANALYSIS**

### **Bury Gas Pipelines beneath Roads in Dry Canyon and Nine Mile Canyon**

Under this alternative, the main gathering lines in Nine Mile Canyon and Dry Canyon would be buried beneath the public roads in these canyons. The reasons that this possible alternative was not studied in detail are as follow: The original Nine Mile and Dry Canyon roads were not sited with regard for archeological resources. Instead, the main objective was to construct the roads as quickly and as easily as possible. As a result, the Nine Mile Canyon road generally follows the north side of the canyon and cuts into the canyon walls and, in many instances, directly into bedrock. As cultural surveys indicate, much of the rock art, as well as standing structures, can be found near these road cuts and on the canyon walls. The density of these sites is exceptionally high, leading to the possibility that cultural resources could be adversely affected.

Since the road in several places is less than twenty feet in width, pipeline construction within the road would necessitate very long delays for local, as well as tourist traffic, in many cases extending into hours. During monitoring, which could lead to discovery of archeological sites, road closures could even extend into days, as there are areas where it is not physically possible to



detour around the road where it is built into the canyon wall adjacent to Nine Mile Creek. Using standard construction procedures, the pipeline would be buried to a depth of from four to five feet below the road surface. High explosives would typically be used to cut through the bedrock and open the trench. As noted, two pipelines are proposed, one 16 inch and one 12 inch, requiring a larger trench, and more disturbances and blasting that might possibly damage both standing structures, as well as rock art. In addition, due to safety concerns and the time needed to set the explosives and excavate the trench, the road would be closed. Again, this could result in extended delays due to the closure of the road.

Equipment is available that can cut through rock and could avoid possible impacts from blasting. However, with use of such equipment, two issues would remain unresolved. First, even longer periods of road closure would occur with use of this equipment. Second, use of such equipment would not eliminate possible adverse effects to cultural resources.

#### **Locate Wells in the Bottom of Nine Mile and Dry Canyons**

BBC was obligated by a unit agreement to drill wells within the lower portions of Dry Canyon. However, based on concerns expressed by the BLM and the public regarding potential impacts to cultural sites and visual resources in Dry Canyon, this alternative is not analyzed in detail. Alternative C includes a well (PP 8-33) that is not in either canyon and meets the unit obligation requirements.

#### **Other Pipeline Routes from the Top of the Plateau to the Bottom of Dry Canyon**

To gain access from the top of the plateau to the bottom of Dry Canyon, two alternative pipeline routes were considered: 1) a route traversing the ridge to the mouth of Dry Canyon, down the escarpment to the Dry Canyon compressor site; and 2) a route farther up Dry Canyon from the plateau to Dry Canyon. Both of these routes were dismissed from further analysis because of potential impacts to visual resources. Specifically, these possible routes would not meet visual resource management (VRM) Class II standards due to contrast in form, line and texture with the characteristic landscape.

## **RATIONALE FOR DECISION**

- As discussed in the Introduction, the underlying need for the proposed action is for the operator to explore and develop its Federal oil and gas leases by drilling and if successful, produce commercial quantities of oil and gas under the terms and stipulations of its Federal leases. This need would be met by the selected alternative. Private exploration and production from Federal oil and gas leases is an integral part of BLM's oil and gas leasing program under authority of the Mineral Leasing Act of 1920, the Mining and Minerals Policy Act of 1970, the Federal Land Policy and Management Act of 1976 and Federal Onshore Oil and Gas Leasing Reform Act of 1987. The continuing policy of the Federal Government in the national interest is to foster and encourage private enterprise in the orderly and efficient development of domestic oil and gas under principles of balanced multiple-use management. Exploration and production from the existing leases is permitted under multiple-use decisions of current BLM land use plans for the proposed project area. The selected alternative is consistent with Executive Order 13212 (May 18, 2001), which, among other things, states that increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the public.
- The proposed action is in conformance with the Price River Management Framework Plan (1982) and the Diamond Mountain Resource Area Resource Management Plan (1994), and the objectives of 43 CFR parts 2800, 2880 and 3160; and BLM Mineral Resources Policy (May 29, 1984). The selected alternative is in conformance with the current land use plans and does not conflict with objectives of either the Nine Mile Canyon ACEC or the SCRMA. Because the selected alternative will avoid impacts to all known cultural resources, it is not inconsistent with the major objectives of either the ACEC or the SCRMA. Another objective of the ACEC and SRCMA is the enhancement of the scenic quality of the area. Removal of existing surface pipelines and removal and consolidation of existing compression facilities will improve the visual quality of the canyons over the long term.

- The proposed pipeline route was analyzed for visual impacts utilizing field reconnaissance and photography, establishment of multiple known key observation points, (KOPs) development of computer visual simulation, expert contrast rating analysis from selected KOPs, and consultation with the vegetation specialist (see Visual Resources Management and Analysis VRM Class II Areas-Technical Support Document available at Price Field Office). While avoiding cultural resources and minimizing impacts to riparian vegetation, the selected pipeline route also minimizes impacts to visual resources. It has been determined that disturbance from construction of the pipelines between Dry Canyon and Cottonwood Canyon and Dry Canyon and Water Canyon will meet VRM Class II objectives within three to five years, contingent upon an average rainfall. The BLM's original projected time frames, based on a worst case drought scenario, stated that it could take up to 10 years to meet VRM Class II objectives. BLM examined past reclamation efforts in this area (see EA at 3.3.10 and 4.2.3.8) and determined that vegetation can be re-established in three to five years utilizing good seeding and reclamation practices in an average water year. BLM then developed a comprehensive, site-specific reclamation plan (see Appendix C) for the pipelines in Nine Mile and Dry Canyons incorporating demonstrated reclamation measures and techniques including recontouring, drill seeding, hydro-seeding, hand planting bare root and containerized willows and other native shrubs, and the application of fertilizer and mulch. Our conclusion is that vegetation can be re-established in a three- to five-year period that will meet the mitigation needs for VRM Class II objectives in the short term. The United States Fish and Wildlife Service concurred with our projection in their concurrence memorandum dated July 16, 2004, where they stated, "Successful reclamation will assure this effect is short term, 3-5 years."

Vegetation re-establishment is a key to successful mitigation of the temporary visual effects of the selected alternative; however, it is not the only mitigation measure to be implemented regarding visual resources. The objective of visual mitigation in a VRM Class II area is to reduce the level of change to the characteristic landscape and to ensure that management activities do not draw the attention of the casual observer. Through implementation of the following mitigation measures coupled with the re-establishment of vegetation, visual objectives should be met in the projected three to five year time frame in

average water years. The following mitigation will be employed in all VRM Class II areas where project activities are visible to the general public and as required by the BLM or the licensed landscape architect:

- An extensive reclamation plan will be made part of the terms and conditions of the right-of-way grants and should help ensure that reclamation efforts are successful.
- A licensed landscape architect will assist the pipeline engineers in minimizing disturbance during the clearing, excavation, and reclamation phases of the project.
- Trenching equipment for pipeline burial will be used to the extent possible to reduce the overall effects on existing vegetation and landform in the more critical visual areas.
- Easily established and fast-growing shrubs will be included in the reclamation plan.
- All disturbed areas will be contoured to a more natural-appearing landform, similar in topography to the predisturbance and surrounding landscape.
- Disturbed areas will be feather edged by creating a vertical transition from taller to shorter vegetation along disturbed edges. The width of disturbance will be varied to preserve plant masses to create a more naturally appearing edge and thereby avoid straight, sweeping, and converging lines in the landscape.
- Staging equipment on the existing road, where feasible, will be employed to reduce the overall width of surface disturbance.
- Rocks and downed vegetation will be used to “break up” new textures created by disturbance and exposure of soils, and to provide “planting pockets” for establishment of new plant materials.
- The proponent will utilize “brush hogs” (equipment to mow vegetation) to minimize disturbance to riparian vegetation, and shorten the time for vegetation to re-establish itself.
- Construction techniques will be employed to minimize disturbance widths in the KOPs.
- Reseeding and replanting will occur until plant densities meet BLM standards.
- The pipeline in Dry Canyon would also meet VRM objectives in the short term (an estimated three to five years). However, since the road would be utilized for staging purposes, disturbance would be limited in most cases to a maximum of 20 feet. In addition,

the mitigation measures noted above would also be employed in the construction and reclamation of this pipeline.

- The selected alternative will affect an estimated 12 acres of riparian vegetation. As noted above under the discussion of visual resources, the pipeline route under the selected alternative will minimize the amount of riparian vegetation removed in pipeline construction. Also, mitigation measures, including a comprehensive reclamation plan, should ensure that riparian vegetation is quickly reestablished (see EA Appendix C). Furthermore, as noted in the EA at 4.2.3.12, because riparian vegetation is in areas that typically have greater soil moisture content, revegetation occurs quicker and is generally more successful (three years or less).
- There will be no significant impacts to cultural resources, visual resources, air quality, threatened and endangered species, water quality, wetlands and riparian zones, wild and scenic rivers, vegetation, recreation, wildlife, wild horse and burros, and non-WSA lands with wilderness characteristics.
- The decision to implement the selected alternative coupled with the standard terms and conditions, applicant-committed environmental protection measures, stipulations attached to the right-of-way amendments, and specific stipulations found appropriate to each of the APDs, will not result in unnecessary or undue degradation of the environment and does not create significant cumulative effects.
- The No Action Alternative was not selected because it would deprive the applicant the opportunity to develop its oil and gas leases and transport the resource to market.
- No impacts to known cultural resources are expected through implementation of the selected alternative. Cultural surveys have been completed for all areas where surface disturbance will occur and all known sites will be avoided. In addition, as previously discussed, extensive monitoring of pipeline construction in Nine Mile and Dry Canyons will occur. Cultural resources may be found during pipeline excavation; therefore, a monitoring and discovery plan will be implemented. Because the plan calls for proper collection, curation, and study of presently undiscovered sites, there would be no adverse impact.
- An in-depth analysis of potential effects to the Mexican Spotted Owl was completed in a Biological Assessment prepared by BLM Price Field Office. The findings of this

Biological Assessment were included in the EA as Appendix G. The analysis concluded that the Mexican Spotted Owl “may be affected but would not likely to be adversely affected” by the selected alternative. USFWS Service Region 6 Threatened and Endangered Species staff reviewed the Biological Assessment and concurred with BLM’s finding. A “may affect likely to adversely affect” determination was made for the Bonytail Chub, Colorado Pike Minnow, Humpback Chub and Razorback sucker due to the projected water depletion associated with drilling wells and dust control on roads, estimated at 28 to 36 acre feet per year. As noted above, any water depletions from tributary waters within the Colorado River drainage are considered to jeopardize the continued existence of these fish. However, the USFWS has determined that sufficient recovery of these species has occurred and that small depletions (100 acre feet annual consumption or less) does not pose a substantial threat to these species. Thus, the water depletion from project implementation will not adversely affect these species.

- The avoidance of all cultural resources including prehistoric, lithic scatters, rock shelters and camps and historic fences /corrals would ensure the integrity of the SRCMA. Although vehicles will access the project area through the SRCMA, potential impacts from dust will be mitigated through dust-suppression measures incorporated into the selected alternative. With these committed dust-suppression measures, dust levels will be reduced below levels that currently exist.
- There will be no impacts to the proposed National Register nomination area in Nine Mile Canyon through implementation of the selected alternative, as no adverse impacts to cultural or historical resources are expected.
- The integrity of the Nine Mile Canyon Backcountry Byway will be maintained. Increased traffic and dust-related impacts were identified as a potential impact; however, during project operations, with committed dust suppression measures, dust levels will be reduced below levels that currently exist. Dust levels from existing activities, including tourist traffic, will be reduced for the duration of project activities. Implementation of the selected alternative will enhance the scenic quality of this area through the removal of unsightly surface pipelines and the compressor site at Water Canyon.
- No impacts to the Nine Mile Canyon ACEC will occur, except for some short-term loss in visual quality (three to five years before reclamation is fully successful) for the 0.39 miles

of buried pipeline in the ACEC. Impacts related to dust will be mitigated through dust suppression efforts.

### **Public Participation**

The EA was available for a 30-day public review and comment period from May 5, 2004, through June 4, 2004. One request to extend the comment period was received, but not granted. The EA was posted on a web site the day it was released. Hard copies and compact discs containing the document were mailed to interested parties and made available at the Price Field Office. Approximately 340 comments were received electronically through the project web site and by mail. Comments were received from three state agencies, four Federal agencies, 12 organizations, four local government agencies, and 204 private individuals.

Of the letters received, there was a consistency of concerns regardless of the writer's position on the merits of the proposed project. Comments included, but not limited to, statements on the adequacy of the analysis, technical corrections, and opinions regarding impacts to cultural resources, visual resources, recreation, traffic volume and related dust, threatened, endangered and special status plant and animal species, wetlands and riparian areas, as well as the appropriate level of NEPA compliance and range of alternatives. The BLM's careful consideration of and response to the comments resulted in certain changes to the EA to clarify discussions and/or expand remarks to improve readability and understanding.

Analysis of the comments received, including the BLM responses, are provided in Section 5.2 of the EA.

### **Summary**

In summary, I conclude that the proposed drilling project, including pipeline and compressor infrastructure upgrades, is an appropriate and beneficial use of these lands. The BLM has independently reviewed all submitted data, and reviewed the alternatives considered but eliminated from detailed analysis, and the two alternatives analyzed in the EA, but not selected. The agency selected alternative, with all committed mitigation, including applicant committed

environmental protection measures, agency mandated environmental protection measures and state and Federal laws and regulations, will ensure the protection of cultural and natural resources. Thus, the selected alternative will not have significant impacts. Further, the incremental impact of the agency selected alternative, when added to other past, present, and reasonably foreseeable actions would be minimal and, therefore, the cumulative impacts would be negligible.

The selected alternative will meet the BLM's as well as the applicant's purposes and needs. Although portions of the project area include Nine Mile Canyon, lands within the SCRMA, lands within the Nine Mile Canyon ACEC, lands within the National Register nomination area in Nine Mile Canyon, lands along a portion of the Nine Mile Canyon Backcountry Byway, and Nine Mile Creek, which is eligible for inclusion in the Wild and Scenic River system, implementation of the project is not inconsistent with major management objectives for the plans or designations.

#### **APPEALS LANGUAGE:**

This decision is effective upon the date it is signed by the authorized officer. However, authorization to proceed is pending required permits and APD and POD approvals. As stated in the regulations at 43CFR 2804.1, 2884.1 and 3165.4, the provisions of 43 CFR 4.21(a) do not apply, and the decision shall remain effective pending appeal unless the Board determines otherwise. Within 30 days of receipt of the decision, an appeal must be filed to: Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203. A copy of the notice of appeal must also be filed in this office (Price Field Office, 125 South 600 West Price, Utah 84501) as well as with: Office of the Solicitor, 125 S. State Street, Suite 6201, Salt Lake City, Utah, 84138. The appellant has the burden of showing that the decision appealed from is in error.

The portion of this decision approving the proposed APDs is subject to administrative review in accordance with 43 CFR 3165. Any request for administrative review of this decision must include information required under 43 CFR 3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the State Director,



Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah, 84145-0155, within twenty (20) business days of the date this decision is received or considered to have been received. No appeal to Interior Board of Land Appeals (IBLA) under 43 CFR 3165.4 is offered until completion of an administrative review.

If you wish to file a petition for stay pursuant to 43 CFR 2804.1, 2884.1 and 3165.4, the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ Patrick Gubbins  
Patrick J. Gubbins  
Price Field Office Manager (Authorized Officer)

July 29, 2004  
Date

**Attachments:**

1. Applicant-Committed Protection Measures (EA Appendix B)
2. Sample APD Conditions of Approval
3. Right-of-Way Amendments
4. Right-of-Way Stipulations

## **Attachment 1: Applicant-Committed Protection Measures**

### **1.0 INTRODUCTION**

Appendix B is part of BBC's Proposed Action for the WTPDP as described in Chapter 2.0, and BBC will comply with the standards, procedures, and requirements contained in Appendix B when implementing the Alternatives unless otherwise provided for by the BLM Authorized Officer (AO). Appendix B describes standard practices utilized to mitigate adverse effects caused by surface-disturbing activities.

### **2.0 STANDARD PRACTICES**

The following BMPs/Applicant-Committed Protection Measures (ACEPM) will be applied to all Federal lands within the WTPPA by BBC to minimize impacts to the environment. Exception, modification, or waiver of a mitigation requirement may be granted if a thorough analysis by BLM determines that the resource(s) for which the measure was developed will not be impacted by the project activity. Further site-specific mitigation measures may be identified during the application for permit to drill (APD) and/or right-of-way (ROW) application review processes.

#### **2.1 PRECONSTRUCTION PLANNING AND DESIGN MEASURES**

1. BBC and/or their contractors and subcontractors will conduct all phases of project implementation, including well location, road and pipeline construction, drilling and completion operations, maintenance, reclamation, and abandonment in full compliance with all applicable Federal, state, and local laws and regulations and within the guidelines specified in approved APDs and ROW permits. BBC will be held fully accountable for their contractor's and subcontractor's compliance with the requirements of the approved permit and/or plan.
2. Implementation of site-specific activities/actions will be contingent on BLM determining that the activity/action complies with the following plans:
  - Surface Use Plan and/or Plan of Development; and
  - Site-specific APD plans/reports (e.g., road and wellpad design plans, cultural clearance, special status plant species clearance, etc.).

The above plans may be prepared by the Companies for the project area or submitted incrementally with each APD, ROW application, or Sundry Notice (SN).

#### **2.2 ROADS**

1. BBC will construct roads on private surface in a safe and prudent manner to the specifications of landowners.
2. Roads on Federal surface will be constructed as described in BLM Manual 9113. Where necessary, running surfaces of the roads will be graveled if the base does not already contain sufficient aggregate.
3. Existing roads will be used when the alignment is acceptable for the proposed use. Generally, roads will be required to follow natural contours; provide visual screening by constructing curves, etc.; and be reclaimed to BLM standards.

4. To control or reduce sediment from roads, guidance involving proper road placement and buffer strips to stream channels, graveling, proper drainage, seasonal closure, and in some cases, redesign or closure of old roads will be developed when necessary. Construction may also be prohibited during periods when soil material is saturated, frozen, or when watershed damage is likely to occur.
5. Available topsoil will be stripped from all road corridors prior to commencement of construction activities and will be redistributed and reseeded on backslope areas of the borrow ditch after completion of road construction activities. Borrow ditches will be reseeded in the first appropriate season after initial disturbance.
6. On newly constructed roads and permanent roads, the placement of topsoil, seeding, and stabilization will be required on all cut and fill slopes unless conditions prohibit this (e.g., rock). No unnecessary side-casting of material (e.g., maintenance) on steep slopes will be allowed.
7. Reclamation of abandoned roads will include requirements for reshaping, recontouring, resurfacing with topsoil, installation of water bars, and seeding on the contour. Road beds, wellpads, and other compacted areas will be ripped to a depth of 1.0 foot on 1.5 feet centers to reduce compaction prior to spreading the topsoil across the disturbed area. Stripped vegetation will be spread over the disturbance for nutrient recycling, where practical. Fertilization or fencing of these disturbances will not normally be required. Additional erosion control measures (e.g., fiber matting) and road barriers to discourage travel may be required. Graveled roads, wellpads, and other sites will be stripped of usable gravel and hauled to new construction sites prior to ripping as deemed necessary by the AO. The removal of structures such as bridges, culverts, cattleguards, and signs will usually be required.
8. Main artery roads, regardless of the primary user, will be crowned, ditched, drained, and, if deemed appropriate by the AO, surfaced with gravel.
9. Unnecessary topographic alterations will be mitigated by avoiding, where possible, steep slopes, rugged topography, and perennial and ephemeral/intermittent drainages, and by minimizing the area disturbed.
10. Upon completion of construction and/or production activities, the Companies will restore, to the extent practicable, the topography to near pre-existing contours at well sites, access roads, pipelines, and other facility sites.
11. Existing roads will be used to the maximum extent possible and upgraded as necessary.
12. BBC will comply with existing Federal, state, and county requirements and restrictions to protect road networks and the traveling public.
13. Special arrangements will be made with the Utah Department of Transportation to transport oversize loads to the project area. Otherwise, load limits will be observed at all times to prevent damage to existing road surfaces.
14. All development activities along approved ROWs will be restricted to areas authorized in the approved ROW.
15. Roads and pipelines will be located adjacent to existing linear facilities wherever practical.
16. BBC and/or their contractors will post appropriate warning signs and require project vehicles to adhere to appropriate speed limits on project-required roads, as deemed necessary by the AO.

16. BBC will be responsible for necessary preventative and corrective road maintenance for the duration of the project. Maintenance responsibilities may include, but are not limited to, blading, gravel surfacing, cleaning ditches and drainage facilities, dust abatement, noxious weed control, or other requirements as directed by the AO.

## **2.3 WELLPADS AND FACILITIES**

1. In conformance with Onshore Oil and Gas Order No. 1, BBC will prepare and submit individual comprehensive drill site design plans for BLM approval. These plans will show the drill location layout over the existing topography; dimensions of the location; volumes and cross sections of cut and fill; location and dimensions of reserve pits; existing drainage patterns; and access road egress and ingress. Plans will be submitted and approved prior to initiation of construction.
2. No surface disturbance is recommended on slopes in excess of 25% unless erosion controls can be ensured and adequate revegetation is expected. Engineering proposals and revegetation and restoration plans will be required in these areas.
3. Reserve pits will be constructed to ensure protection of surface and ground water. The review to determine the need for installation of lining material will be done on a case-by-case basis and consider soil permeability, water quality, and depth to ground water.
4. Reserve pit liners will have a mullen burst strength that is equal to or exceeds 300 pounds, a puncture strength that is equal to or exceeds 160 pounds, and grab tensile strengths that are equal to or exceed 150 pounds. There will be verified test results conducted according to ASTM test standards. The liner will be totally resistant to deterioration by hydrocarbons.
5. Produced water from oil and gas operations will be disposed of in accordance with the requirements of Onshore Oil and Gas Order #7.
6. Pits will be fenced as specified in individual authorizations. Any pit containing harmful fluids will be maintained in a manner that will prevent migratory bird mortality.
7. Disturbances will be managed/reclaimed for zero runoff from the wellpad or other facility until the area is stabilized. All excavations and pits will be closed by backfilling and contouring to conform to surrounding terrain. On wellpads and other facilities, the surface use plan will include objectives for successful reclamation including soil stabilization, plant community composition, and desired vegetation density and diversity.
8. On producing wells, BBC will reduce slopes to original contours (not to exceed 3:1 slopes). Areas not used for production purposes will be backfilled and blended into the surrounding terrain, reseeded, and erosion control measures installed. Erosion control measures will be required after slope reduction. Mulching, erosion control measures, and fertilization may be required to achieve acceptable stabilization.
9. Abandoned sites will be satisfactorily rehabilitated in accordance with the approved APD.

## **2.4 PIPELINES**

1. Pipeline construction methods and practices will be completed in such a manner so as to obtain good reclamation and the re-establishment of the native plant community.

2. On ditches exceeding 24 inches in width, 6 to 12 inches of surface soil will be salvaged on the entire right-of-way, where practicable. When pipelines are buried, there will be at least 30 inches of backfill on top of the pipe. Backfill will not extend above the original ground level after the fill has settled. Guides for construction and water bar placement found in "Surface Operating Standards for Oil and Gas Exploration and Development" (BLM and USFS 1989) will be followed. Bladed surface materials will be re-spread upon the cleared route once construction is completed. Disturbed areas that have been reclaimed will be fenced when the route is near livestock watering areas at the discretion of the AO.
3. Pipeline ROWs will be located to minimize soil disturbance to the greatest extent practicable. Mitigation will include locating pipeline ROWs adjacent to access roads to minimize ROW disturbance widths, or routing pipeline ROWs directly to minimize disturbance lengths.
4. Existing crowned and ditched roads will be used for access where possible to minimize surface disturbances. Clearing of pipeline ROWs will be accomplished with the least degree of disturbance to topsoil. Where topsoil removal is necessary, it will be stockpiled (windrowed) and re-spread over the disturbed area after construction and backfilling are completed. Vegetation removed from the ROW will also be re-spread to provide protection, nutrient recycling, and a seed source.
5. Temporary disturbances which do not require major excavation (e.g., small pipelines) may be stripped of vegetation to ground level using mechanical treatment, leaving topsoil intact and root masses relatively undisturbed.
6. To promote soil stability, backfill over the trench will be compacted so as not to extend above the original ground level after the fill has settled. Wheel or other methods of compacting the pipeline trench backfill will occur at two levels to reduce trench settling and water channeling--once after 3 feet of fill has been replaced and once within 6-12 inches of the surface. Water bars, mulching, and terracing will be installed, as needed, to minimize erosion. Instream protection structures (e.g., drop structures) in drainages crossed by a pipeline will be installed at the discretion of the AO to prevent erosion.
7. BBC will adhere to the following procedures regarding the installation of pipelines during periods when the earth is frozen.
  - The BLM Price Field Office will be contacted at least 10 days prior to anticipated start of project. The project will not proceed until such time as authorization from BLM has been received by the Companies.
  - A BLM representative will be on the ground at the beginning of construction.
  - Snow, if present, will be removed utilizing a motor grader.
  - Vegetation will be scalped and windrowed to one side of the right-of-way.
  - A wheel trencher will be used to remove approximately 6-8 inches of topsoil from the top of the pipeline ditch and windrow it to one side.
  - A trench approximately 4 feet deep will be dug using a wheel trencher and the soil will be stockpiled to one side, making sure the top soil or spoil do not get mixed together.
  - The pipeline will be installed, the trench backfilled, and the spoil compacted in the trench.
  - Stockpiled topsoil will be placed in the trench and compacted.
  - Scalped vegetation back will be placed back on right-of-way using a motor grader.
  - The entire right-of-way will be reseeded as normal in the spring after the thaw.

These procedures will be incorporated in every Plan of Development where construction in frozen earth is anticipated.

## 2.5 AIR QUALITY

1. BBC will comply with all applicable local, state, and Federal air quality laws, statutes, regulations, standards, and implementation plans.
2. BBC will obtain all necessary air quality permits from UDAQ to construct, test, and operate facilities.
3. All internal combustion equipment will be kept in good working order.
4. The Companies will use water at construction sites, as necessary, to abate fugitive dust.
5. The Companies will not allow any open burning of garbage or refuse at well sites or other facilities.

## 2.6 VEGETATION

1. Removal and disturbance of vegetation will be kept to a minimum through construction site management (e.g., using previously disturbed areas and existing easements, limiting equipment/materials storage yard and staging area size, etc.).
2. Wellpads and associated roads and pipelines will be located to avoid or minimize impacts in areas of high value (e.g., sensitive species habitats, wetland/riparian areas).

## 2.7 SOILS

1. Surface-disturbing activities will be examined on a site-specific basis, evaluating the potential for soil loss and the compatibility of soil properties with project design. Stipulations and mitigating measures will be developed on a case-by-case basis to ensure soil conservation and practical management.
2. BBC will restrict construction activities during periods when soils are saturated and excessive rutting (>4 inches with multiple passes) would occur.
3. Salvage and subsequent replacement of topsoil will occur for surface-disturbing activities wherever specified by the AO.
4. Before a surface-disturbing activity is undertaken, topsoil depth will be determined and the amount of topsoil to be removed, along with topsoil placement areas, will be specified in the authorization. The uniform distribution of topsoil over the area to be reclaimed will occur unless conditions warrant a varying depth. On large surface-disturbing projects topsoil will be stockpiled and seeded to reduce erosion. Where feasible, topsoil stockpiles will be designed to maximize surface area to reduce impacts to soil microorganisms. Areas used for spoil storage will be stripped of topsoil before spoil placement, and the replacement of topsoil after spoil removal will be required.
5. BBC will avoid adverse impacts to soils by:
  - minimizing the area of disturbance;
  - avoiding construction with frozen soil materials to the extent practicable;
  - avoiding areas with high erosion potential (e.g., unstable soil, dunal areas, slopes greater than 25%, floodplains), where practicable;
  - salvaging and selectively handling topsoil from disturbed areas;
  - adequately protecting stockpiled topsoil and replacing it on the surface during reclamation;
  - leaving the soil intact (scalping only) during pipeline construction, where practicable;

- using appropriate erosion and sedimentation control techniques including, but not limited to, diversion terraces, riprap, and matting;
  - promptly revegetating disturbed areas using adapted species;
  - applying temporary erosion control measures such as temporary vegetation cover, application of mulch, netting, or soil stabilizers; and/or
  - constructing barriers, as appropriate, to minimize wind and water erosion and sedimentation prior to vegetation establishment.
6. Appropriate erosion control and revegetation measures will be employed. Grading and landscaping will be used to minimize slopes, and water bars will be installed on disturbed slopes in areas with unstable soils where seeding alone may not adequately control erosion. Erosion control efforts will be monitored by the Companies and necessary modifications made to control erosion.
  7. Sufficient topsoil or other suitable material to facilitate revegetation will be segregated from subsoils during all construction operations requiring excavation and will be returned to the surface upon completion of operations. Soils compacted during construction will be ripped and tilled as necessary prior to reseeding. Cut and fill sections on all roads and along pipelines will be revegetated with native species.
  8. Any accidental soil contamination by spills of petroleum products or other hazardous materials will be cleaned up by the Companies and the soil disposed of or rehabilitated according to applicable rules.
  9. BBC will restrict off-road vehicle (ORV) activity by employees and contract workers to the immediate area of authorized activity or existing roads and trails.

## 2.8 RECLAMATION

1. BBC's reclamation goals will emphasize: 1) protection of existing native vegetation; 2) minimal disturbance of the existing environment; 3) soil stabilization through establishment of ground cover; and 4) establishment of native vegetation consistent with land use planning.
2. All reclamation will be accomplished as soon as possible after the disturbance occurs with efforts continuing until a satisfactory revegetation cover is established.
3. Seed mixtures for reclaimed areas will be site-specific, composed of native species, and will include species promoting soil stability. A pre-disturbance species composition list will be developed if the site includes several different plant communities. Livestock palatability and wildlife habitat needs will be given consideration during seed mix formulation. BLM Manual 1745, *Introduction, Transplant, Augmentation, and Reestablishment of Fish, Wildlife, and Plants*, and Executive Order No. 11987, *Exotic Organisms*, will be used as guidance.
4. Interseeding, secondary seeding, or staggered seeding may be used to accomplish revegetation objectives. During rehabilitation of areas in important wildlife habitat, provision will be made for the establishment of native browse and forb species. Follow-up seeding or corrective erosion control measures will occur on areas where initial reclamation efforts are unsuccessful.
5. Any mulch used by BBC will be weed free and free from mold, fungi, or noxious weed seeds. Mulch may include native hay, small grain straw, wood fiber, live mulch, cotton, jute, synthetic netting, and rock. Straw mulch will contain fibers long enough to facilitate crimping and provide the greatest cover.

6. BBC will be responsible for the control of all noxious weed infestations on disturbed surfaces. Aerial application of chemicals will be prohibited within 0.25 mile of special status plant locations, and hand application will be prohibited within 500 feet. Herbicide application will be monitored by the AO.
7. Recontouring and seedbed preparation will occur immediately prior to reseeding on the unused portion of wellpads, road ROWs, and entire pipeline ROWs outside of road ROWs. In the event of uneconomical wells, BBC will initiate reclamation of the entire wellpads, access road, and adjacent disturbed habitat as soon as possible. BBC assumes the responsibility to see that their exploration, development, production, and construction operations are conducted in a manner which results in the proper reclamation of disturbed lands. BBC will monitor reclamation to determine and ensure successful establishment of vegetation. No consent to termination of any bond will be given by the AO until all the terms and conditions of the approved permit(s) have been met.
8. Proper erosion and sediment control structures and techniques will be incorporated by the Companies into the design of wellpads, roads, pipelines, and other facilities. Revegetation using a BLM-approved, locally adapted seed mixture containing native grasses, forbs, and shrubs will begin in the first appropriate season following disturbance. Vegetation removed will be replaced with plants of equal forage value and growth form using procedures that include:
  - fall reseeding (September 15 to freeze-up), where feasible;
  - spring reseeding (April 30 - May 31) if fall seeding is not feasible;
  - deep ripping of compacted soils prior to reseeding;
  - surface pitting/roughening prior to reseeding;
  - utilization of native cool season grasses, forbs, and shrubs in the seed mix;
  - interseeding shrubs into an established stand of grasses and forbs at least one year after seeding;
  - appropriate, approved weed control techniques;
  - broadcast or drill seeding, depending on site conditions; and
  - fencing of certain sensitive reclamation sites (e.g., riparian areas, steep slopes, and areas within 0.5 mile of livestock watering facilities) as determined necessary through monitoring.
9. BBC will monitor noxious weed occurrence on the project area and implement a noxious weed control program in cooperation with BLM. Weed-free certification by county extension agents will be required for grain or straw used for mulching revegetated areas.

## **2.9 CANDIDATE PLANTS/SPECIAL STATUS PLANTS**

1. Herbicide applications will be kept at least 500 feet from known special status plant species populations or other distances deemed safe by the AO.
2. Wellpads and associated roads and pipelines will be located to avoid or minimize impacts to areas of high value (e.g., special status plant species habitats, wetland/riparian areas).

## **2.10 WATERSHEDS**

1. Crossings of ephemeral, intermittent, and perennial streams associated with road and utility line construction will generally be restricted until normal flows are established after spring runoff.



## **2.11 GEOLOGICAL/PALEONTOLOGICAL RESOURCES**

1. Wells, pipelines, and ancillary facilities will be designed and constructed such that they will not be damaged by moderate earthquakes. Any facilities defined as critical according to the Uniform Building Code will be constructed in accordance with applicable Uniform Building Code Standards for Seismic Risk Zone 2B.
2. If paleontological resources are uncovered during surface-disturbing activities, BBC will suspend operations at the site that will further disturb such materials and immediately contact the AO, who will arrange for a determination of significance, and, if necessary, recommend a recovery or avoidance plan.

## **2.12 CULTURAL/HISTORICAL RESOURCES**

1. BBC will follow the cultural resources and recovery plan for the project.
2. If cultural resources are located within frozen soils or sediments that preclude the possibility of adequately recording or evaluating the find, construction work will cease and the site will be protected for the duration of frozen soil conditions. Recordation, evaluation and recommendations concerning further management will be made to the AO following natural thaw. The AO will consult with the affected parties and construction work will resume once management of the threatened site has been finalized and the Notice to Proceed has been issued.
3. BBC will inform their employees, contractors and subcontractors about relevant Federal regulations intended to protect archaeological and cultural resources. All personnel will be informed that collecting artifacts, including arrowheads, is a violation of Federal law and that employees engaged in this activity may be subject to disciplinary action.

## **2.13 WATER RESOURCES**

1. BBC will maintain a complete copy of the SPCC Plan at each facility if the facility is normally attended at least 8 hours per day, or at the nearest field office if the facility is not so attended (40 CFR 112.3(e)).
2. BBC will implement and adhere to SPCC Plans in a manner such that any spill or accidental discharge of oil will be remediated. An orientation will be conducted by the Companies to ensure that project personnel are aware of the potential impacts that can result from accidental spills, as well as the appropriate recourse if a spill does occur. Where applicable and/or required by law, streams at pipeline crossings will be protected from contamination by pipeline shutoff valves or other systems capable of minimizing accidental discharge.
3. If reserve pit leakage is detected, operations at the site will be curtailed, as directed by the BLM, until the leakage is corrected.
4. BBC will case and cement all gas wells to protect subsurface mineral and freshwater zones. Unproductive wells and wells that have completed their intended purpose will be properly abandoned and plugged using procedures identified by BLM (Federal mineral estate) and/or WOGCC (state and fee mineral estate).
5. All water used in association with this project will be obtained from sources previously approved by the Utah State Engineer's Office.

6. Erosion-prone or high salinity areas will be avoided where practicable. Necessary construction in these areas will be timed to avoid periods of greatest runoff.
7. BBC will incorporate proper containment of condensate and produced water in tanks and drilling fluids in reserve pits, and will locate staging areas for storage of equipment away from drainages to prevent contaminants from entering surface waters.
8. Prudent use of erosion control measures, including diversion terraces, riprap, matting, temporary sediment traps, and water bars will be employed by the Companies as necessary. These erosion control measures will be used as appropriate to control surface runoff generated at wellpads. The type and location of sediment control structures, including construction methods, will be described in APD and ROW plans. If necessary, BBC may treat diverted water in detention ponds prior to release to meet applicable state or Federal standards.
9. BBC will construct channel crossings by pipelines so that the pipe is buried at least 3 feet below the channel bottom.
10. Streams/channels crossed by roads will have culverts installed at all appropriate locations as specified in the BLM Manual 9112-*Bridges and Major Culverts* and Manual 9113-*Roads*. Streams will be crossed perpendicular to flow, where possible, and all stream crossing structures will be designed to carry the 25-year discharge event or other capacities as directed by the AO.
11. BBC will reshape disturbed channel beds to their approximate original configuration.
12. The disposal of all hydrostatic test water will be done in conformance with BLM Onshore Oil and Gas Order No. 7. BBC will comply with state and Federal regulations for water discharged into an established drainage channel. The rate of discharge will not exceed the capacity of the channel to convey the increased flow. Waters that do not meet applicable state or Federal standards will be evaporated, treated, or disposed of at an approved disposal facility.
13. BBC will prepare Storm Water Pollution Prevention Plans (SWPPPs) as required by WDEQ National Pollution Discharge Elimination System (NPDES) permit requirements on individual disturbances that exceed 5 acres in size or as required by future changes in regulations.
14. Any disturbances to wetlands and/or waters of the U.S. will be coordinated with the COE, and 404 permits will be secured as necessary prior to disturbance.
15. Where disturbance of wetlands, riparian areas, streams, or ephemeral/intermittent stream channels cannot be avoided, COE Section 404 permits will be obtained by BBC as required, and, in addition to applicable above-listed measures, the following measures will be applied where appropriate:
  - wetland areas will be crossed during dry conditions (i.e., late summer, fall, or dry winters);
  - streams, wetlands, and riparian areas disturbed during project construction will be restored to as near re-project conditions as practical and, if impermeable soils contributed to wetland formation, soils will be compacted to reestablish impermeability;
  - wetland topsoil will be selectively handled;
  - disturbed areas will be recontoured and BLM-approved species will be used for reclamation; and
  - reclamation activities will begin on disturbed wetlands immediately after completion of project activities.

## **2.14 NOISE**

1. All engines required for project activities will be properly muffled and maintained in accordance with state and Federal laws.

## **2.15 WILDLIFE, FISHERIES, AND THREATENED AND ENDANGERED (T&E) SPECIES**

1. To minimize wildlife mortality due to vehicle collisions, BBC will advise project personnel regarding appropriate speed limits in the project area. Roads no longer required for operations will be reclaimed as soon as possible. Potential increases in poaching will be minimized through employee and contractor education regarding wildlife laws. If wildlife law violations are discovered, the offending employee will be subject to disciplinary action by BBC.
2. BBC will protect (e.g., fence or net) reserve, workover, and production pits potentially hazardous to prohibit wildlife access as directed by BLM.
3. BBC will utilize wildlife-proof fencing on reclaimed areas in accordance with standards specified in BLM Handbook 1741-1, *Fencing*, if it is determined that wildlife are interfering with successful reestablishment of vegetation.
4. Consultation and coordination with USFWS and UDWR will be conducted for all mitigation activities relating to raptors and T&E species and their habitats, and all permits required for movement, removal, and/or establishment of raptor nests will be obtained.
5. BBC will adhere to all survey, mitigation, and monitoring requirements identified in the Biological Assessment prepared for this project.

## **2.16 LIVESTOCK/GRAZING MANAGEMENT**

1. BBC will reclaim nonessential areas disturbed during construction activities in the first appropriate season after well completion.
2. Nonessential areas include portions of the wellpads not needed for production operations, the borrow ditch and outslope portions of new road ROWs, entire pipeline ROWs outside of road ROWs, and all roads and associated disturbed areas at nonproductive wells.
3. BBC will repair or replace fences, cattleguards, gates, drift fences, and natural barriers to current BLM standards. Cattleguards will be used instead of gates for livestock control on most road ROWs. Livestock will be protected from pipeline trenches, and livestock access to existing water sources will be maintained.
4. BBC will review livestock impacts from roads or disturbance from construction and drilling activities at least annually with livestock permittees and BLM. Appropriate measures will be taken to correct any adverse impacts, should they occur.

## **2.17 RECREATION**

1. BBC will instruct employees, contractors, and subcontractors that camp sites on Federal lands or at Federal recreation sites must not be occupied for more than 14 consecutive days.

2. BBC will require that employees, contractors, and subcontractors abide by all state and Federal laws and regulations regarding hunting.

## **2.18 VISUAL RESOURCES**

1. Pipeline ROWs will be located within existing ROWs whenever possible, and aboveground facilities not requiring safety coloration will be painted with appropriate nonreflective standard environmental colors (Carlsbad Canyon or Desert Brown, or other specified standard environmental colors) as determined by the AO. Topographic screening, vegetation manipulation, project scheduling, and traffic control procedures may all be employed, as practicable, to further reduce visual impacts.
2. Within VRM Class II areas, BBC will utilize existing topography to screen roads, pipeline corridors, drill rigs, wells, and production facilities from view where practicable. The Companies will paint all aboveground production facilities with appropriate colors (e.g., Carlsbad Canyon or Desert Brown) to blend with adjacent terrain, except for structures that require safety coloration in accordance with OSHA requirements.

## **2.19 HEALTH AND SAFETY/HAZARDOUS MATERIALS**

1. BBC will utilize BLM-approved portable sanitation facilities at drill sites; place warning signs near hazardous areas and along roadways; place dumpsters at each construction site to collect and store garbage and refuse; ensure that all refuse and garbage is transported to a State-approved sanitary landfill for disposal; and institute a Hazard Communication Program for its employees and require subcontractor programs in accordance with OSHA (29 CFR 1910.1200).
2. In accordance with 29 CFR 1910.1200, a Material Safety Data Sheet for every chemical or hazardous material brought on-site will be kept on file BBC's field offices.
3. Chemicals and hazardous materials will be inventoried and reported by BBC in accordance with the SARA Title III (40 CFR 335). If quantities exceeding 10,000 pounds or the threshold planning quantity are to be produced or stored, BBC will submit appropriate Section 311 and 312 forms at the required times to the State and County Emergency Management Coordinators and the local fire departments.
4. BBC will transport and/or dispose of any hazardous wastes, as defined by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, in accordance with all applicable Federal, state, and local regulations.
5. BBC commits to the following practices regarding hazardous material containment.
  - All storage tank batteries that contain any oil, glycol, produced water, or other fluid which may constitute a hazard to public health or safety will be surrounded by a secondary means of containment for the entire contents of the largest single tank in use plus freeboard for precipitation, or to contain 110% of the capacity of the largest vessel. The appropriate containment and/or diversionary structures or equipment, including walls and floor, will contain any oil, glycol or produced water and shall be constructed so that any discharge from a primary containment system, such as a tank or pipe, will not drain, infiltrate, or otherwise escape to ground or surface waters before cleanup is completed.
  - Treaters, dehydrators and other production facilities that have the potential to leak or spill oil, glycol, produced water, or other fluid which may constitute a hazard to public health or safety,

shall be placed on or within appropriate containment and/or diversionary structure to prevent spilled or leaking fluid from reaching ground or surface waters. The appropriate containment and/or diversionary structure will be sufficiently impervious to oil, glycol, produced water, or other fluid and will be installed so that any spill or leakage will not drain, infiltrate, or otherwise escape to ground or surface waters prior to completion of cleanup.

- Notice of any spill or leakage, as defined in BLM NTL 3A, will be immediately reported to the AO by the Companies as well as to such other Federal and state officials as required by law. Oral notice will be given as soon as possible, but within no more than 24 hours, and those oral notices will be confirmed in writing within 72 hours of any such occurrence.

## **Attachment 2: Sample Applications for Permit to Drill Conditions of Approval**

**A COMPLETE COPY OF THIS PERMIT SHALL BE KEPT ON LOCATION from the beginning of site construction through well completion, and shall be available to contractors to ensure compliance.**

### CONDITIONS OF APPROVAL

Approval of this application does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Be advised that Bill Barrett Corporation is considered to be the operator of the above well and is responsible under the terms and conditions of the lease for the operations conducted on the leased lands.

Bond coverage for this well is provided by UT1262 (Principal – Bill Barrett Corporation) via surety consent as provided for in 43 CFR 3104.2.

This office will hold the aforementioned operator and bond liable until the provisions of 43 CFR 3106.7-2 continuing responsibility are met.

This permit will be valid for a period of one year from the date of approval. After permit termination, a new application must be filed for approval.

All lease operations will be conducted in full compliance with applicable regulations (43 CFR 3100), Onshore Oil and Gas Orders, lease terms, notices to lessees, and the approved plan of operations. The operator is fully responsible for the actions of his subcontractors.

### A. DRILLING PROGRAM

1. The proposed 3M BOP system is adequate for anticipated conditions. Installation, testing and operation of the system shall be in conformance with Onshore Oil and Gas Order No. 2.
7. Concurrent approval from the State of Utah, Division of Oil, Gas & Mining (DOGM) is required before conducting any surface disturbing activities.
3. The Green River Formation may contain oil, gas, oil shale and/or tar sand. In order to isolate and protect these resources, production casing shall be cemented into place such that the top-of-cement is:
  - 1) not less than 300 feet above the top of the Wasatch Formation, and
  - 2) not less than 100 feet above the top of the highest hydrocarbon bearing zone that is not already isolated behind the surface casing.

4. A cement bond log (CBL) or other appropriate tool for determining top-of-cement, shall be run on the production casing string.
5. If the CBL reveals that the cementing objectives were not met, remedial cementing will be required.

### C. REQUIRED APPROVALS, REPORTS AND NOTIFICATIONS

Required verbal notifications are summarized in Table 1, attached.

Building Location- Contact the BLM Price Field Office, Natural Resource Protection Specialist at least 48-hours prior to commencing construction of location.

Spud- The spud date will be reported to BLM 24-hours prior to spudding. Written notification in the form of a Sundry Notice (Form 3160-5) will be submitted to the Moab Field Office within 24-hours after spudding, regardless of whether spud was made with a dry hole digger or big rig.

Daily Drilling Reports- Daily drilling reports shall detail the progress and status of the well and shall be submitted to the Moab Field Office on a weekly basis.

Monthly Reports of Operations- In accordance with Onshore Oil and Gas Order No. 1, this well shall be reported on Minerals Management Service (MMS) Form 3160, "Monthly Report of Operations," starting the month in which operations commence and continuing each month until the well is physically plugged and abandoned. This report will be filed directly with MMS.

Sundry Notices- There will be no deviation from the proposed drilling and/or workover program without prior approval. "Sundry Notices and Reports on Wells" (Form 3160-5) will be filed with the Moab Field Office for approval of all changes of plans and subsequent operations in accordance with 43 CFR 3162.3-2. Safe drilling and operating practices must be observed.

Drilling Suspensions- Operations authorized by this permit shall not be suspended for more than 30 days without prior approval of the Moab Field Office. All conditions of this approval shall be applicable during any operations conducted with a replacement rig.

Undesirable Events- Spills, blowouts, fires, leaks, accidents, or any other unusual occurrences shall be immediately reported to the BLM in accordance with requirements of NTL-3A.

Cultural Resources- If cultural resources are discovered during construction, work that might disturb the resources is to stop, and the Price Field Office is to be notified.

First Production- Should the well be successfully completed for production, the Moab Field Office will be notified when the well is placed in producing status. Such notification may be made by phone, but must be followed by a sundry notice or letter not later than five business days following the date on which the well is placed into production.

A first production conference will be scheduled as soon as the productivity of the well is apparent. This conference should be coordinated through the Moab Field Office. The Moab Field Office shall be notified prior to the first sale.

Well Completion Report- Whether the well is completed as a dry hole or as a producer, "Well Completion and Recompletion Report and Log" (Form 3160-4) will be submitted to the Moab Field Office not later than thirty-days after completion of the well or after completion of operations being performed, in accordance with 43 CFR 3162.4-1. Two copies of all logs, core descriptions, core analyses, well test data, geologic summaries, sample description, and all other surveys or data obtained and compiled during the drilling, workover, and/or completion operations, will be filed with Form 3160-4. When requested, samples (cuttings and/or samples) will be submitted to the Moab Field Office.

Venting/Flaring of Gas- Gas produced from this well may not be vented/flared beyond an initial, authorized test period of 30 days or 50 MMcf, whichever first occurs, without the prior, written approval of the Moab Field Office. Should gas be vented or flared without approval beyond the authorized test period, the well may be ordered shut-in until the gas can be captured or approval to continue the venting/flaring as uneconomic is granted. In such case, compensation to the lessor (BLM) shall be required for that portion of the gas that is vented/flared without approval and which is determined to have been avoidably lost.

Produced Water- An application for approval of a permanent disposal method and location will be submitted to the Moab Field Office for approval pursuant to Onshore Oil and Gas Order No.7.

Off-Lease Measurement, Storage, Commingling- Prior approval must be obtained from the Moab Field Office for off-lease measurement, off-lease storage and/or commingling (either down-hole or at the surface).

Plugging and Abandonment- If the well is completed as a dry hole, plugging instructions must be obtained from the Moab Field Office prior to initiating plugging operations.

A "Subsequent Report of Abandonment" (Form 3160-5) will be filed with the Moab Field Office within thirty-days following completion of the well for abandonment. This report will indicate where plugs were placed and the current status of surface restoration. Upon completion of approved plugging, a regulation marker will be erected in accordance with 43 CFR 3162.6. Final abandonment will not be approved until the surface reclamation work required by the approved APD or approved abandonment notice has been completed to the satisfaction of the Price Field Office or the appropriate surface managing agency.

TABLE 1

### NOTIFICATIONS

Notify Don Stephens (435-636-3608) of the BLM Price Field Office for the following:

- 2 days prior to commencement of dirt work, construction and reclamation;
- 1 day prior to spudding;
- 50 feet prior to reaching the surface casing setting depth;
- 3 hours prior to testing BOP equipment.

If the person at the above number cannot be reached, notify the Moab Field Office at 435-259-2100. If unsuccessful, contact the person listed below.



Well abandonment operations require 24 hour advance notice and prior approval. In the case of newly drilled dry holes, verbal approval can be obtained by calling the Moab Field Office at 435-259-2100.

## Attachment 3: Right-of-Way Amendments

### RIGHT-OF-WAY AMENDMENTS

**UTU-40096:** Amend existing right-of-way as follows:

On June 18, 2004, Bill Barrett Corporation submitted an application to amend right-of-way UTU-40096. The application was filed under authority of 43 CFR 2803.6-1. The application requested authority to use and modify the existing access road corridor within the boundaries of the existing right-of-way (UTU-40134).

The right-of-way amendment is hereby approved as described below, and subject to the approved Plan of Development, Applicant-Committed Environmental Protection Measures, and Standard Right-of-Way Stipulations, as well as the terms and conditions found in the original grant and stipulations.

1. BLM authorizes the use, upgrade and maintenance of the existing road within the boundaries of the existing right-of-way, which is 10.9 miles in length and 33 feet in width (43.6 acres), located as follows:

Salt Lake Meridian

T. 12 S., R. 15 E., sec. 35;

T. 12 S., R. 16 E., sec. 31, 34, 35;

T. 13 S., R. 15 E., sec. 1, 3, 10, 11, 12, 14, 15.

T. 13 S., R. 16 E., sec. 3

2. The upgrade activities authorized are widening of the travel surface and installation of drainage structures.

3. The expiration date of this amendment shall correspond to the expiration date of the original right-of-way, September 11, 2013.

4. The acreage increase in this amendment is 43.6 acres, bringing the total acreage in this right-of-way to 113.78 acres. (70.18 + 43.6)

5. Since this right-of-way crosses public lands outside the Prickly Pear Unit boundary, annual rental will be assessed in accordance with authority contained in 43 CFR 2803.1-2(b)(2)(iii)(B). Rental for 113.78 acres for the period August 1, 2004 through December 31, 2004 is **\$359.86**. Please send a check in this amount to the address above and include the right-of-way number (UTU-40096) on the check. Your next billing for this right-of-way will be due January 1, 2005, and since the amount will be over \$100.00, you will be billed annually thereafter.

**UTU-34418:** Amend existing right-of-way as follows:

On April 29, 2004, Bill Barrett Corporation submitted an application to amend right-of-way UTU-34418. The application was filed under authority of 43 CFR 2803.6-1. The application requested authority to modify the existing gas pipeline right-of-way by replacing the existing surface-laid gas pipeline with larger diameter, partially surface-laid, partially buried pipelines. Authority is also requested to extend the existing right-of-way by 17,000 feet.

The right-of-way amendment is hereby approved as described below, and subject to the approved Plan of Development, Applicant-Committed Environmental Protection Measures, and Standard Right-of-Way Stipulations, as well as the terms and conditions found in the original grant and stipulations.

#### MODIFICATION TO EXISTING RIGHT-OF-WAY:

1. SEGMENT ONE: BLM authorizes the construction, operation, maintenance and termination of two 16-inch coated steel buried gas pipelines within an area approximately 27,626 feet in length and 50 feet in width (31.71 acres) located as follows:

Salt Lake Meridian

T. 11 S., R. 15 E., sec. 33;

T. 12 S., R. 15 E., sec. 3, 10, 11 and 12;

T. 12 S., R. 16 E., sec. 7.

2. SEGMENT TWO: BLM authorizes the construction, operation, maintenance and termination of one 16-inch coated steel buried gas pipeline within an area approximately 12,438 feet in length and 40 feet in width (11.42 acres) located as follows:

Salt Lake Meridian

T. 12 S., R. 16 E., sec. 7, 8, and 9.

3. SEGMENT THREE: BLM authorizes the construction, operation, maintenance and termination of one surface-laid steel pipeline, varying in size between 4-inch and 12-inch, within the existing right-of-way in an area approximately 47,884 feet in length and 30 feet in width (32.98 acres) located as follows:

Salt Lake Meridian

T. 12 S., R. 16 E., sec 9, 15, 22, 27, 33, 34, and 35;

T. 13 S., R. 16 E., sec. 1;

T. 13 S., R. 17 E., sec. 6.

Pigging facilities will be installed within this segment of the right-of-way as follows:

T. 12 S., R. 16 E., sec. 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$  (one pig receiver), and

sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  (two pig receivers and one pig launcher); T. 13 S., R. 17 E., sec. 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$  (one pig launcher).

#### ADDITION TO EXISTING RIGHT-OF-WAY:

4. BLM authorizes the construction, operation, maintenance and termination of one surface-laid steel pipeline, varying in size between 4-inch and 12-inch, within an area approximately 17,000 feet in length and 30 feet in width (11.71 acres) located as follows:

Salt Lake Meridian

T. 12 S., R. 16 E., sec. 33, 34, and 35;

T. 13 S., R. 16 E., sec. 3.

5. Existing surface pipelines will be removed after the new lines are placed into service, as stated in the Plan of Development.

6. The expiration date of this amendment shall correspond to the expiration date of the original right-of-way, January 5, 2007.

7. The acreage increase in this amendment is 11.71 acres. Rental for this increase in acres for the period August 1, 2004 through December 31, 2004 is **\$37.04**. Please send a check in this amount to the address above and include the right-of-way number (UTU-34418) on the check.

8. There is a \$95,000 surety bond currently in place recovery and hauling of the surface pipe within this right-of-way. Due to the modification in footage of surface pipe and acreage disturbed by buried pipe, we request that, within 30 days of receiving approval of this amendment, you increase this bond to the amount of **\$146,000.00.**

64,884 feet of surface pipe @ \$.75 per foot = 48,663.00 X 1.75 (administrative costs) = \$85,160.00;  
 43.13 acres of buried pipe @ \$800.00 = \$34,504.00 X 1.75 (administrative costs) = \$60,382.00.  
 $\$85,160.00 + \$60,382.00 = \$145,542.00$ , rounded to \$146,000.00.

**UTU-34418** – Grant a Temporary Use Permit in association with the construction of the pipeline authorized under right-of-way UTU 34418, as follows:

A three-year temporary use permit 20 feet in width will be issued for the approximately 64,884 feet of Segment Three and the Addition (29.79 acres), for construction purposes only, located as follows:  
 Salt Lake Meridian

- T. 12 S., R. 16 E., sec. 9, 15, 22, 27, 33, 34, and 35;
- T. 13 S., R. 16 E., sec. 1 and 3;
- T. 13 S., R. 17 E., sec. 6.

**UTU-59970:** Amend existing right-of-way as follows:

On April 29, 2004, Bill Barrett Corporation submitted an application to amend right-of-way UTU-59970. The application was filed under authority of 43 CFR 2803.6-1. The application requested authority to modify the existing gas pipeline right-of-way by replacing the existing surface-laid gas pipeline with a larger diameter buried pipeline. Authority is also requested to extend the existing right-of-way by 33,475 feet (6.34 miles) of partially buried, partially surface-laid steel pipeline varying in diameter at 10-inch or 12-inch.

The right-of-way amendment is hereby approved as described below, and subject to the approved Plan of Development, Applicant-Committed Environmental Protection Measures, and Standard Right-of-Way Stipulations, as well as the terms and conditions found in the original grant and stipulations.

#### MODIFICATION TO EXISTING RIGHT-OF-WAY:

1. BLM authorizes the construction, operation, maintenance and termination of one 12-inch buried steel gas pipeline within the existing 50-foot right-of-way for a distance of approximately 27,297 feet or 5.17 miles (31.33 acres), located as follows:

Salt Lake Meridian

- T. 12 S., R. 15 E., sec. 24, 25, 26, 27;
- T. 12 S., R. 16 E., sec. 18, 19;

#### ADDITION TO EXISTING RIGHT-OF-WAY:

2. BLM authorizes the construction, operation, maintenance and termination of one partially buried, partially surface-laid steel pipeline, varying in diameter at 10-inch or 12-inch, within an area approximately 33,475 feet (6.34 miles) in length and 30 feet in width (23.05 acres) located as follows:

Salt Lake Meridian

T. 12 S., R. 15 E., sec. 26, 34, and 35;

T. 12 S., R. 16 E., sec. 19, 30 and 31;

T. 13 S., R. 15 E., sec. 3.

Pigging facilities will be installed within this segment of the right-of-way as follows:

T. 12 S., R. 15 E., sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  (one pig receiver);

sec. 34, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  (one pig launcher);

sec. 35, (one pig launcher and one pig receiver);

T. 12 S., R. 16 E., sec. 19 (one pig launcher).

3. Existing surface pipelines will be removed after the new lines are placed into service, as stated in the Plan of Development.

4. The expiration date of this amendment shall correspond to the expiration date of the original right-of-way, July 26, 2020.

5. The acreage increase in this amendment is 23.05 acres. Rental for this increase in acres for the period August 1, 2004 through December 31, 2004 is **\$72.90**. Please send a check in this amount to the address above and include the right-of-way number (UTU-59970) on the check.

6. There is a \$48,000 surety bond currently in place for reclamation of this right-of-way. Due to the addition to the existing right-of-way, we request that, within 30 days of receiving approval of this amendment, you increase this bond to the amount of **\$91,000.00**.

28,675 feet of surface pipe @ \$.75 per foot = 21,506.00 X 1.75 (administrative costs) = \$37,635.00;

3.31 acres of buried pipe @ 800.00 per acre = 2,648.00 X 1.75 (administrative costs) = \$4,634.00;

\$37,635.00 + \$4,634.00 = \$42,269.00;

\$48,000.00 + \$42,269 = \$90,269.00, rounded to \$91,000.

**UTU-59970** – Grant a Temporary Use Permit in association with the construction of the pipeline authorized under right-of-way UTU-59970, as follows:

A temporary use permit 30 feet in width will be issued for the approximately 4,800-foot buried portion of this pipeline (3.31 acres), for construction purposes only, located as follows:

Salt Lake Meridian

T. 12 S., R. 15 E., sec. 26 and 35.

**UTU-69317** - Amend existing right-of-way as follows:

On June 18, 2004, Bill Barrett Corporation submitted an application to amend right-of-way UTU-69317. The application was filed under authority of 43 CFR 2803.6-1. The application requested the relinquishment of 4500 feet of the existing right-of-way containing surface laid 3-inch poly pipe. The application also requested authority to construct, operate, maintain and terminate an additional 8800 feet for a 10-inch welded steel surface laid gas pipeline.

The right-of-way amendment is hereby approved as described below, and subject to the approved Plan of Development, Applicant-Committed Environmental Protection Measures, and Standard Right-of-Way Stipulations, as well as the terms and conditions found in the original grant and stipulations.

1. BLM accepts the relinquishment of a portion of existing right-of-way UTU-69317, measuring 4500 feet in length and 20 feet in width (2.06 acres, more or less), located as follows:

Salt Lake Meridian

T. 12 S., R. 14 E., sec. 11, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
sec.12, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

2. BLM authorizes the construction, operation, maintenance and termination of a 10-inch welded steel surface laid gas pipeline within an area approximately 8800 feet in length and 30 feet in width (6.06 acres) located as follows:

Salt Lake Meridian

T. 12 S., R. 14 E., sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$ ,N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$ ,N $\frac{1}{2}$ NE $\frac{1}{4}$ .

3. The expiration date of this amendment shall correspond to the expiration date of the original right-of-way, August 3, 2023.

4. The acreage increase in this amendment is 6.06 acres. Acreage decrease is 2.06, for a total increase of 4.00 acres. Rental for this increase in acres for the period August 1, 2004 through December 31, 2007 is **\$103.73**. Please send a check in this amount to the address above and include the right-of-way number (UTU-69317) on the check. Your next billing for the entire right-of-way will be due January 1, 2008, and since the amount will be over \$100.00, you will be billed annually thereafter.

5. There is a \$22,000 surety bond currently in place for recovery and hauling of the surface pipe within this right-of-way. Due to the increase in footage of surface pipe, we request that, within 30 days of receiving approval of this amendment, you increase this bond to the amount of **\$34,000.00**.

(8,800 feet of surface pipe @ \$.75 per foot = 6,600.00 X 1.75 (administrative costs) = \$11,550.00, rounded to \$12,000.00 + 22,000 = \$34,000.00)

## Attachment 4: Right-of-Way Standard Stipulations

2881  
 UTU-33418/40096/59970/69317  
 (UT-070)

### Exhibit A Standard Stipulations For Right-of-Way Amendments

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) approved and made part of the grant on \_\_\_\_\_. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. The holder shall contact the authorized officer at least twenty-four (24) hours prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.
3. The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
4. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
5. The holder shall perform construction, maintenance and reclamation consistent with the approved Plan of Development, Applicant-Committed Environmental Protection Measures, Conditions of Approval for related APD's, and Standard Right-of-Way Stipulations, as well as the terms and conditions found in the original grant and stipulations.
6. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.